

## **§ 952.31**

different name or at a different address he may file a petition with accompanying evidence setting forth the alleged evasion or attempted evasion and requesting the issuance of a supplemental order or orders against the name or names allegedly used. Notice shall then be given by the Recorder to the person that the order has been requested and that an answer may be filed within 10 days of the notice. The Judicial Officer, for good cause shown, may hold a hearing to consider the issues in controversy, and shall, in any event, render a final decision granting or denying the supplemental order or orders.

[48 FR 55127, Dec. 9, 1983]

### **§ 952.31 Computation of time.**

A designated period of time under these rules excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday, or legal holiday, in which event the period runs until the close of business on the next business day.

### **§ 952.32 Official record.**

The transcript of testimony together with all pleadings, orders, exhibits, briefs and other documents filed in the proceeding shall constitute the official record of the proceeding.

### **§ 952.33 Public Information.**

The Law Librarian of the Postal Service maintains for public inspection in the Law Library copies of all initial, tentative and final Agency decisions and orders. The Recorder maintains the complete official record of every proceeding.

[48 FR 55127, Dec. 9, 1983]

### **§ 952.34 Ex parte communications.**

The provisions of 5 U.S.C. 551(14), 556(d) and 557(d) prohibiting ex parte communications are made applicable to proceedings under these rules of practice.

[42 FR 5357, Jan. 28, 1977]

## **39 CFR Ch. I (7–1–01 Edition)**

## **PART 953—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO MAILABILITY**

### **Sec.**

- 953.1 Authority for rules.
- 953.2 Initiation.
- 953.3 Appeal.
- 953.4 Service of notice; Reply; Motion for summary judgment.
- 953.5 Hearings.
- 953.6 Compromise and informal dispositions.
- 953.7 Default; Appearances.
- 953.8 Location of hearing.
- 953.9 Change of place of hearing.
- 953.10 Presiding officers.
- 953.11 Proposed findings of fact and conclusions of law.
- 953.12 Initial decision.
- 953.13 Appeal from initial decision.
- 953.14 Final Agency decision.
- 953.15 Expedition.
- 953.16 Disposition.
- 953.17 Ex parte communications.

AUTHORITY: 39 U.S.C. 204, 401.

SOURCE: 59 FR 31538, June 20, 1994, unless otherwise noted.

### **§ 953.1 Authority for rules.**

These rules of practice are issued by the Judicial Officer of the U.S. Postal Service pursuant to authority delegated by the Postmaster General.

### **§ 953.2 Initiation.**

Mailability proceedings are initiated upon the filing of a written appeal with the Recorder, Judicial Officer Department, U.S. Postal Service, 2101 Wilson Boulevard, Suite 600, Arlington, VA 22201–3078.

[63 FR 66050, Dec. 1, 1998]

### **§ 953.3 Appeal.**

The appeal shall:

- (a) Identify the appellant;
- (b) Describe or be accompanied by a copy of the determination or ruling being appealed;
- (c) Describe the character or content of the matter the appellant wishes to have carried and delivered by the U.S. Postal Service;
- (d) Request review of the determination or ruling, specifying each and